## WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES DISTRICT COURT

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JESSE COOPER;

v.

VENICE PI, LLC,

WILLIAM ARTH MCMILLIAN JR.;

Plaintiff,

DANIEL BAUTISTA;

JOSEPH OTTOSEN;

ESTEBAN OROZPE;

EDWARD JILES;

MICHAEL SMITH: **BILLY JOE GAMBILL;** 

TSIMAFEI SHAPAVAL;

FAIMAFILI MIKA;

ROBERT BOVITZ; and

JONATHAN GARCIA,

Defendants.

Civil Action No. 17-cv-1211TSZ

DECLARATION OF DAVID A. LOWE IN SUPPORT OF PLAINTIFF'S MOTION TO PERMIT ALTERNATIVE MAIL SERVICE

- I, David A. Lowe, declare as follows:
- I am an attorney admitted to practice in Washington and Plaintiff's counsel in this 1. matter. All matters in this declaration are submitted through personal knowledge and belief.
- 2. Our office has confirmed the residence of Defendant Tsimafei Shapaval is the same as where service was attempted, as set forth below, based on both the Comcast subpoena response identifying the subscriber and the report of an investigative database.

LOWE GRAHAM JONES ....

3. Based on this history of multiple attempts to serve Defendant, based on the reports of multiple process server attempts, I believe Defendant is actively seeking to avoid service in this case, resulting in unnecessary time, effort and expense by Plaintiff. Furthermore, under these circumstances, I believe that service by mail to Defendant is just as likely or more likely to give actual notice as service by publication or continued efforts at process service.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

EXECUTED November 17, 2017.

s/ David A. Lowe

LOWE GRAHAM JONES ....

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel or parties of record who are deemed to have consented to electronic service via the Court's CM/ECF system, and for those who have appeared and are not subject to default, via U.S. Mail.

s/ David A. Lowe

LOWE GRAHAM JONES ....

701 Fifth Avenue, Suite 4800 Seattle, Washington 98104 206.381.3300 • F: 206.381.3301